

Notice of Allowability

Application No.

09/643,647

Examiner

Stephen M. D'Agosta

Applicant(s)

DIMEO ET AL.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE amendment received 3-30-2006.
2. ☒ The allowed claim(s) is/are 21 and 25-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see RCE Arguments/Amendment, filed 3-30-2006, with respect to the USC 103 rejection combining Vogt and Sugimoto have been fully considered and are persuasive.

1. The rejection has been withdrawn.
2. Claims 21 and 25-27 are allowed while all other claims were cancelled.

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

Claims 21 and 25-27 recite a receiving method and system that includes changing filtering characteristics on a main signal path as a function of at least one amplitude on a second signal path coupled to the main signal path and at least one power level of the main signal path.

In other words, the filtering characteristics are changed by processing circuitry as a function of two signal types, eg. the power level of the signal on the main signal path and the amplitude of a signal on a second signal path that is not under the control of the receiver.

The output of the variable filter 24 (FIG. 1) is fed to an analog power level indicator and/or to a digital power level indicator, whereby the output is applied to the processing circuitry 22 (FIG. 1). In addition, the amplified upper band edge and lower

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band edge outputs in line with the band detection path are applied to processing circuitry.

It is the examiner's opinion that none of the cited references disclose the claimed invention. Sugimoto discloses a receiver in which a filter is switched based on the result of an adjacent channel signal detection circuit, but not is not based on a power level of a signal on the main signal path. There are no power level indicators in Sugimoto.

Vogt discloses a receiver in which signals upstream of a bandpass filter are compared to signals downstream of the bandpass filter to determine which one of a plurality of filters to select. Vogt does not disclose any power level indicators at the output of its filters to provide a power level to processing circuitry, allowing the processing circuitry to select a filter based on the power level and signal amplitudes not under the control of the receiver.

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 21 and 25-27) are now in condition for allowance.

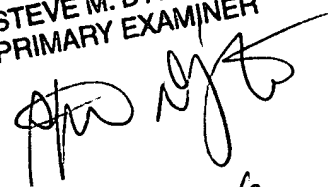
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEVE M. D'AGOSTA
PRIMARY EXAMINER


9-21-06